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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,415	10/10/2003	Ronny Levy	081627-0305364	9611

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EXAMINER

ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,415

Applicant(s)

LEVY, RONNY

Examiner

Kurt Rowan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 11, 2005 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-12, 14-17, 21-24, 25-27, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Companiony in view of Bruce for substantially the same reasons stated in the last Office Action.

The patents to Companiony and Bruce show fishing tackle storage compartments. The patent to Companiony shows a fishing tackle container 90 having an interior storage space and upstanding walls with a leader holding structure 64. Companiony shows at least one hanger 10 for storing fishing leader formed as an elongate member having at

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least two flexible support members 20, 20 as shown in Fig. 4. Companiony shows a plurality of integral leader support members 30, 32, 34 on the leader hanger 10.

Companiony shows a leader having a closed loop of fishing line and an intermediate section of fishing line extending from the closed loop and a hook secured to the intermediate section of leader. The leader support member is configured to support an intermediate section of the fishing leader and is configured to hookingly engage a hook of fishing leader. The leader hanger is supported in the container by the leader holding structure. Companiony does not show slots in the upstanding side walls of the container for storing the leader hanger. Companiony shows magnets 64 in the inside surface 94 of the top 91. Bruce shows slots 82 in the upstanding side walls of container 70 at fixed spaced longitudinal locations as shown in Fig. 4. In reference to claims 1, 15, 24, 26, it would have been obvious to provide Companiony with slots in the side walls as shown by Bruce since merely one set of attachment means is being substituted for another and the function is the same. It would further be obvious to substitute panel 14 of Bruce for leader holder 10 of Campaniony since merely one equivalent board is being exchanged for another and the function is the same, namely to hold fishing tackle. Bruce discloses plastic in column 5, line 3. In reference to claim 2, Companiony shows one leader hanger, but it would have been obvious to employ a plurality of leader hangers for multiplied effect. See *In re Harza*, 124 USPQ 378. In reference to claims 3 and 27, Companiony shows support members 34 having a pair of arcuate edges formed thereon as shown in Fig. 2. In reference to claim 5, Companiony does not disclose that the leader hanger is made from molded plastic, but it would have been obvious to construct

the leader hanger from molded plastic for ease of manufacturing, lightweight, and corrosion resistance. See *In re Leshin*, 125 USPQ 416. In reference to claim 6, Bruce shows the tackle board or leader hanger having ends that are retained in slots 64 as shown in Fig. 1. It would have been obvious to have the ends of the leader hanger extend longitudinally beyond the first and second ends of the elongate member since changes in size have been held to be obvious. See *In re Rose* 105 USPQ 137. In reference to claim 7, Companiony shows a cover or storage tray 91 that has a plurality of upstanding walls. In reference to claim 8, the storage tray is pivotally mounted to the container. In reference to claim 9, Companiony shows a cover 91. In reference to claims 10, 22, inherently, the partition walls 40 of Bruce are removable. In reference to claims 11-12, 16-17, Bruce shows the walls 40 having slots 32 with the tackle carrier or leader hangers hang in parallel between the partition walls. In reference to claim 14, Companiony shows the leader hanger having opposed ends and longitudinally extending slots 40 with the area between each screw 48 taken to be a slot. In reference to claim 21, Companiony shows a storage tray or cover 91 pivotally retained in the container with the leader hanger retained in the storage tray as shown in Fig.1. In reference to claim 23, Bruce shows each partition 40 having a top 86 with a slot 82 and elongate member 14 has opposed ends that are retained in the slots. In reference to claim 29, Bruce and Companiony do not disclose that the leader hanger is constructed of molded plastic, but it would have been obvious to construct the leader hanger from molded plastic since the selection of a known material is based on its suitability for the intended use. See *In re Leshin*, 125 USPQ 416.

3. Claims 4 and 18-20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Companiony in view of Bruce as applied to claim 1 above, and further in view of Borell for substantially the same reasons stated in the last Office Action.

The patents to Companiony and Bruce show fishing tackle and leader holders as discussed above, but do not show the elongated member being flexible such that the distance between the support members can be varied by flexing the elongated member. The elongated member of Companiony inherently has some flexibility but uses other means to attach leaders to the member. At any rate, Borell shows a leader holder having an elongated member 12 that is flexible as shown in Figs. 1-2.

Companiony does not disclose that the distance between the leader support members can be varied by flexing the elongate member. However, it would have been obvious to employ a variable longitudinal distance by flexing the elongate member to provide a means for supporting leaders of different lengths. See *In re Stevens*, 101 USPQ 284 which states that it is obvious to make parts adjustable. It would have been obvious to provide the tackle box and leader holder of Companiony as modified by Bruce with a flexible leader holder as shown by Borell since merely one equivalent leader holder is being substituted for another and the function is the same. In reference to claim 19, Borell shows each support member having an arcuate recess 24.

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4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Companiony in view of Bruce as applied to claim 1 above, and further in view of Richards for substantially the same reasons stated in the last Office Action.

The patents to Companiony and Bruce show fishing tackle and leader holders as discussed above and do not show the leader hanger having an arm extending from each end and forming a finger that hooks to the slots in the container. Bruce shows ends of the leader hanger extending into the slots. The patent to Richards shows a fishing tackle and leader holder in Fig. 1 having an arm forming a finger 48 extending from each end of the leader hanger 40 that hooks into slots 50 in the container. In reference to claim 13, it would have been obvious to provide the storage assembly of Companiony as modified by Bruce with arms forming fingers to hook into slots as shown by Richards since merely one mechanically equivalent mounting system is being substituted for another and the function is the same.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Guestinger shows a fishing leader and hook storage holder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Kurt Rowan". The signature is stylized with a large, looped "K" and a checkmark-like flourish at the end.

Kurt Rowan
Primary Examiner
Art Unit 3643

KR